

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 6-16 are pending and amended. Support for changes to claims 6 and 10 is found in the specification at least on page 5, line 5 to page 8, line 3. The remaining changes to the claims correct minor informalities. Moreover, language is removed from the claims which could be interpreted as requiring human interaction. Thus, no new matter is added.

The outstanding Official Action rejected Claims 6-8 and 10-16 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent 6,748,056 to Capriotti et al. (hereinafter Caprioitti); and rejected Claim 9 under 35 U.S.C. §103(a) as unpatentable over Capriotti.

Rejections Under 35 U.S.C. §102(e)

Applicants respectfully traverse the rejection of Claim 6 under 35 U.S.C. § 102(e).

Claim 6 is directed to a method enabling a portable electronic device to communicate with an enterprise terminal. The method receives a call in an email server of the enterprise from the portable electronic device and determines if the device is registered in the email server of the enterprise. The email server of the enterprise obtains a preassigned message identifier from the portable electronic device, the message identifier having been assigned to an email message received by the portable electronic device prior to transmission of the email message. The email server of the enterprise authenticates the message identifier. Upon authentication of the message identifier, the enterprise email server requests a recording of a voice message from the device as a reply to the email message. After the email server records the message, the email server transmits the voice message to the enterprise terminal.

Capriotti describes a universal messaging system that coordinates a telephone session on a voice messaging platform with an email session on an email messaging platform. Figure

1 of Capriotti illustrates the architecture of the universal messaging system including a voice messaging platform (10) integrated with an electronic mail messaging platform (12). A network interface unit (NIU) provides a physical connection between the voice messaging platform (10) and the public switch telephone network (PSTN) (16). One or more servers (18), on which a handset email access service (HEAS) software component (19) executes, assists in the integration between the voice messaging platform (10) and the email messaging platform (12).<sup>1</sup>

Figure 5 illustrates operation of the uniform messaging platform. A call is received by the voice messaging platform from a subscriber using a telephone handset connected to the PSTN. The voice messaging platform begins processing the call in accordance with a call flow (26). At a particular call state (70) of the call flow (26), a request is made to log on to the subscriber's email account on the email messaging platform and to obtain a count of outstanding email messages. While the email call flow 28 is executed, the subscriber receives a prompt from the voice message platform indicating the number of new messages and faxes the subscriber has received. If the voice message platform receives a response from the email platform, the subscriber hears a prompt indicating the number of new emails the subscriber has received.<sup>2</sup> Figures 2-4 of Capriotti illustrate that the universal messaging system maintains tables associating each telephony session with each email session.

Claim 6 is distinguishable over Capriotti as the applied reference fails to disclose or suggest *obtaining a preassigned message identifier from the user of the portable electronic device, where the message identifier has been assigned to an email message received by the portable electronic device, and the message identifier corresponds to an author of the received email*. The outstanding Official Action asserts that column 10, lines 30-45 of Capriotti discloses this feature. This portion of Capriotti states that

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<sup>1</sup> See Capriotti at column 5, lines 43-58.

<sup>2</sup> See Capriotti at column 12, lines 13-65 and Figure 5.

The value in the NAINDEX field and the NAP Timestamp field are generated by the Agent 30. The NAP Dialog ID is generated by the NAP 20 and is made available in an incoming call response or is available to the Agent 30 when requested for by the Agent 30. The Subscriber ID is data that is passed on to the call flows of the UMsg Application 24 when the subscriber successfully logs onto the NAP with his/her personal identification number (PIN) or password. When available, the incoming call response from the NAP 20 returns the calling number, and in that case, the Subscriber ID will already be known to the call flows. If the Subscriber ID is not available from the NAP incoming call response, then the call flow will ask for it from the subscriber.

The portion cited above from Capriotti is describing the feature of prompting a subscriber for a subscriber ID if the ID is not already available. The subscriber ID is merely an identifier associating a subscriber with his or her own email account. Capriotti neither discloses nor suggests that the subscriber ID is an identifier assigned to an email message received by the subscriber. Furthermore, since the subscriber ID merely associates a subscriber with his or her account, the subscriber ID does not correspond to an author of an email in the subscriber's account.

Additionally, Figures 2 and 3 of Capriotti illustrate that tables can be used to associate a subscriber's session with the voice messaging platform and the email messaging platform. The email session identifier is used to facilitate the subscriber's subsequent accesses to the email messaging platform. For each email message in the subscriber's email in box, an email ID is used for that message.<sup>3</sup>

While Capriotti describes that a subscriber has the option for playing back a specific email,<sup>4</sup> Capriotti neither discloses nor suggests that the subscriber receives the email ID. Furthermore, Capriotti neither discloses nor suggests that the universal messaging platform obtains an email ID from the subscriber. Accordingly, Capriotti fails to disclose or suggest

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<sup>3</sup> See Capriotti at column 11, lines 55-58.

<sup>4</sup> See Capriotti at column 10, lines 54-57.

***obtaining a preassigned message identifier from the device, the message identifier corresponding to an author of an email received by the device.***

Claim 6 is further distinguishable over Capriotti as the applied reference fails to disclose or suggest ***requesting a recording of a voice message by a user of the portable electronic device as a reply to the email message.*** The outstanding Official Action asserts that column 5, lines 42-65; column 10, lines 44-56; and column 11, lines 46-65 discloses “requesting the caller to record a voice message.”<sup>5</sup> These cited portions of Capriotti merely describe that a subscriber’s access to the email messaging platform is associated with a session ID, and each email in a subscriber’s inbox is associated with an email ID. Furthermore, a POP3 session object is used to cache pointer’s to email messages in the subscriber’s inbox to speed up access. These cited portions of Capriotti neither disclose nor suggest ***requesting a recording of a voice message by a user of the portable electronic device.*** Furthermore, while Capriotti describes that a subscriber has the option of playing back email messages,<sup>6</sup> Capriotti neither discloses nor suggests ***requesting a recording of a voice message as a reply to the email message.***

Accordingly, Applicants submit that Capriotti fails to disclose or suggest all the limitations of Claim 6. Applicants respectfully request that the rejection of Claim 6, and claims depending therefrom, under 35 U.S.C. §102(e) be withdrawn.

As Claim 10 recites features analogous to those recited in Claim 1, Applicants submit that Capriotti fails to disclose or suggest all the limitations of Claim 10. Applicants respectfully request that the rejection of Claim 10, and claims depending therefrom, under 35 U.S.C. §102(e) be withdrawn.

**Rejection Under 35 U.S.C. §103(a)**

Applicants respectfully traverse the rejection of Claim 9 under 35 U.S.C. §103(a).

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<sup>5</sup> See Official Action of September 6, 2006 at page 3.

<sup>6</sup> See Capriotti at column 10, lines 54-57.

The outstanding Official Action acknowledges that Capriotti fails to disclose or suggest *determining if the recorded message is acceptable and if not, recording the message again*. With regard to this noted deficiency in light of the rejection under 35 U.S.C. § 103(a), it appears that the Official Action is taking official notice without providing a citation in support of its assertion.

If official notice is being taken, Applicants respectfully submit that official notice alone is not permissible as grounds for rejection in the outstanding Official Action. As stated in the MPEP at § 2144.03(A):

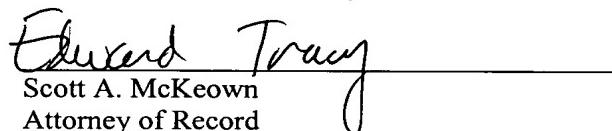
It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

With regard to the above, Applicants respectfully submit that the features advantageously recited in Claim 9 is not “capable of instant and unquestionable demonstration as being well-known.”

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Scott A. McKeown  
Attorney of Record  
Registration No. 42,866

Edward W. Tracy  
Registration No. 47,998

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)  
SP/rac